



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

#### 5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> <li>• Invocation and Pledge of Allegiance</li> <li>• Presentations</li> <li>• Summary of Current Events</li> <li>• Liquor license applications</li> <li>• Consent Agenda</li> </ul> | <ul style="list-style-type: none"> <li>• Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.</li> <li>• Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.</li> <li>• Other Mayor and Council business as listed on the agenda for the meeting.</li> </ul> |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

**Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.**

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Steve Leal – Vice Mayor**

#### Council Members

**José J. Ibarra**      **Ward 1**  
**Carol W. West**    **Ward 2**  
**Karin Uhlich**     **Ward 3**

**Shirley C. Scott**    **Ward 4**  
**Steve Leal**        **Ward 5**  
**Nina J. Trasoff**    **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: [www.tucsonaz.gov/agdocs](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
     Wednesdays – 9:00 p.m.                      Thursdays – 9:00 a.m.                      Sundays – 9:00 a.m.  
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

## REGULAR MEETING

**WEDNESDAY, JANUARY 4, 2006 – 5:30 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Father Philip Nixon, Holy Resurrection Antiochian Orthodox Church

PLEDGE OF ALLEGIANCE – Boy Scout Troop 739 will present the flags of the United States of America, State of Arizona, and City of Tucson after which they will lead the Mayor, Council and audience in the Pledge of Allegiance

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

a. Report from City Manager JAN4-06-2 CITY-WIDE

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

a. Report from City Manager JAN4-06-3 CITY-WIDE

## 5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JAN4-06-1 CITY-WIDE
- b. Liquor License Applications

### New License

- 1. La Fresita Mexican Food Restaurant, Ward 3  
2530 N. 1st Avenue  
Applicant: Hector Gonzalez  
Series 12, City 103-05  
Action must be taken by: January 13, 2006

Staff has indicated the applicant is in compliance with city requirements.

- 2. Antonio's Restaurante, Ward 3  
3535 E. Fort Lowell  
Applicant: Antonio L. Gonzalez  
Series 12, City 104-05  
Action must be taken by: January 16, 2006

Staff has indicated the applicant is in compliance with city requirements.

- 3. Las Reynas Distributors, Ward 5  
1665 E. 18th Street, Suite 107  
Applicant: Francisco Ramon Gonzalez  
Series 04, City 105-05  
Action must be taken by: January 23, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

- c. Special Event

- 1. United Way of Tucson & Southern Arizona, Ward 1  
288 N. Church Avenue  
Applicant: Teri Lee Koopman  
City T114-05  
Date of Event: May 2, 2006  
Fundraiser for United Way's First Focus on Kids Division

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

1. Club Envy, Ward 6  
6211 E. Speedway  
Applicant: Abel Garcia Anaya  
City AC19-05  
Action must be taken by: January 14, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

6. **CONSENT AGENDA – ITEMS A THROUGH C**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. **CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

**8. PUBLIC HEARING: ZONING (C9-96-10) SCHOMAC – 22ND STREET, C-2 ZONING, ORDINANCE ADOPTION, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF DECEMBER 20, 2005)**

- a. Report from City Manager JAN4-06-10 WARD 5
- b. Hearing on a request for a change of rezoning conditions and a change of preliminary development plan (PDP). Applicant: Frank Bangs of Lewis and Roca, on behalf of the property owner, Chapman Automotive Group.

The revised preliminary development plan indicates development of the site as an automobile sales dealership with a 34,000 square foot dealership building, a 3,750 square foot auto detailing building, a 2,400 square foot used car sales building, and associated vehicle sales and storage parking on approximately 9.08 acres.

Staff recommends approval of the proposed preliminary development plan and amended conditions and adoption of the ordinance

- c. Ordinance No. 10237 relating to zoning: amending zoning conditions/Preliminary Development Plan on approximately 9.08 acres on the property located in the vicinity of the southwest corner of 22<sup>nd</sup> Street and Belvedere Avenue in rezoning Case No. C9-96-10, Schomac Group – 22<sup>nd</sup> Street, and superceding Ordinance No. 9202; and declaring an emergency.

Three (3) written approvals and zero (0) written protests have been received for the original rezoning case. A simple majority vote will be necessary to approve the requested change of rezoning conditions and the change of preliminary development plan (PDP) and adopt the attached ordinance.

**Amended Conditions:**

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1. A development plan and detailed color building elevations shall be submitted for review and approval in substantial conformance with the preliminary development plan (PDP) dated November 1, 2005. The rezoning conditions shall include, but are not limited to, the following:
  - a. No more than two (2) vehicular access points to 22nd Street, one (1) access point to Columbus Boulevard, and one (1) access point to Belvedere Avenue. The access from Columbus Boulevard shall meet the required width to include space for pedestrian access and utilities. No access point on 22nd Street shall be closer than 175 feet from the centerline of Belvedere Avenue. A one-foot no vehicular access easement shall be recorded on the entire frontage of Belvedere Avenue and along the 22nd Street frontage, except for the allowed driveways.

- b. The proposed median break on 22nd Street shall align with the western-most access for the hotel (4425 E. 22nd Street) on the north side of 22nd Street.
  - c. The proposed median break shall be a full access median break complete with left turn/deceleration lanes for both directions of travel.
  - d. A modified traffic impact analysis shall be provided to determine appropriate storage length of new turn lanes at the proposed median break.
  - e. The one access to Belvedere Avenue shall be designed and signed to allow only right-turn-in and left-turn-out vehicle movements as shown on the PDP. The Belvedere Avenue access shall further be designed to physically prevent ingress or egress by any vehicle longer than 24 feet.
  - f. The owner/developer shall design and construct roadway improvements (pavement, curbs, sidewalks, etc.) along the west side of Belvedere Avenue to include sufficient pavement width to provide a parking lane.
  - g. Installation of six (6) foot wide sidewalk along the extent of the rezoning site frontage of 22nd Street.
  - h. All unused curb cuts shall be closed.
2. The landscape and channel stabilization design for Naylor Wash shall retain the wash in basically its natural state, preserving existing native vegetation where possible and augmenting same, plus placement of grouted riprap channel erosion protection at the outside curves per designs approved by the Department of Transportation.
  3. At least ten (10) feet of the existing 16-foot wide drainage access and maintenance easement along the northern bank of the Naylor Wash shall remain unobstructed. The applicant may encroach upon the remaining six (6) feet of the easement provided the applicant installs and maintains locking gates or other means for controlling access to the unobstructed portion of the City's easement at the east and west ends of the easement.
  4. Security lighting along the southern perimeter of the site shall be designed to illuminate the 16-foot maintenance easement on the north side of Naylor Wash, but not so as to illuminate any property south of the centerline of Naylor Wash. Property south of the centerline of Naylor

Wash shall be considered adjacent residential property for any applicable code requirements related to lighting.

5. A view wall of masonry and wrought iron construction shall be provided along the southern perimeter of the site adjacent to Naylor Wash. The view wall shall be constructed of solid masonry up to a height of at least thirty (30) inches and with a combination of masonry and wrought iron above that height. At least 80 percent of the view wall above the solid masonry shall be of wrought iron construction.
6. All canopy trees within landscape borders shall be selected from the Low Water Use/Drought Tolerant Plant List, Development Standard 9-06.0, Exhibit II. but shall not include palm trees. Canopy trees shall be planted twenty-five (25) feet on center on the inside of the wall along the southern perimeter of Naylor Wash.
7. Any balconies or upper story windows that are part of the building design shall be either clerestory, translucent (e.g. glass block), or directed away from adjacent residential uses to protect the privacy of those uses.
8. Any exterior mechanical equipment, including, but not limited to, air conditioning equipment, shall be screened from view of the adjacent residential properties and the street frontages with opaque screening materials of a color which is complementary to the building color. If the equipment is located on the ground, landscaping or masonry walls may also be used as a screening method.
9. All buildings within 100 feet of the north boundary of Naylor Wash in which vehicles are serviced and/or maintained shall not have bay doors that open to the south. Subject only to building and fire safety requirements, such buildings shall not have any windows that are capable of opening, exhaust air ports, or doors other than bay doors on south or east facing walls.
10. Any required or proposed masonry screen walls and wash embankments shall be constructed of, or painted with, graffiti-resistant materials. The walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. Enhance the visual appearance of a continuous wall greater than 75 feet in length and 3 feet in height, by varying the wall alignment (jog, curve, notch, or setback, etc.) and by planting trees or shrubs in the voids created by the variations. Four (4) inch block shall not be permitted for any perimeter wall.

11. Noise generating uses, such as loading zones and dumpsters, shall be located a minimum of fifty (50) feet away from any adjacent residentially-zoned property boundary. Any proposed outdoor speaker systems shall be screened and directed away from the residential uses to the east.
12. If the applicant intends to construct the project in phases, the applicant shall provide a phasing plan with the development plan, which shall identify when the various elements of the overall project are to be started and completed, and which elements may be developed concurrently.
  - a. Prior to the issuance of any occupancy permit the access to Columbus Boulevard must be completed, and the improvements to Naylor Wash installed. In addition, the required screening, landscaping, sidewalk, and curb north of Naylor Wash along Belvedere Avenue shall be installed to the north property boundary prior to or concurrently with construction of any buildings north of Naylor Wash.
  - b. The development plan shall indicate all areas for landscaping outside the drainageways and detention basins, if applicable.
13. Use of razor wire or concertina wire shall not be permitted.
14. Incorporate "Safe by Design" concepts in the development plan for review by the Tucson Police Department.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
16. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
17. Light standards, including any supporting bases, shall be set back at least six (6) feet from the 22nd Street and Belvedere Avenue property boundaries and such additional maximum distance as is consistent with operational and illumination design considerations.



18. Freestanding signs shall only be located on the 22nd Street frontage and shall be limited to one (1) double-faced freestanding sign not to exceed fifty (50) square feet in face area and ten (10) feet in height and two (2) additional single-faced freestanding signs not to exceed twenty-four (24) square feet in face area and three (3) feet in height. Traffic directional signs shall only be located on the 22nd Street and Belvedere Avenue frontages adjacent to access points, shall be limited to two such signs per access point, and shall not exceed three (3) square feet in face area and thirty (30) inches in height.
19. Wall signs shall not be located on the south side of any building or structure; any wall signs located on the east side of a building or structure shall not be illuminated between 11:00 p.m. and sunrise and, if located within 200 feet of the south property line, shall not exceed a height of eighteen (18) feet above grade.
20. No signs shall change copy by electronic or mechanical means.
21. Locking gates shall be installed at the entrances to the site from Belvedere Avenue and Columbus Boulevard. These gates shall be locked from 9:00 p.m. on weekdays to 6:00 a.m. the following morning and from 6:00 p.m. on Saturday to 6:00 a.m. on Monday.
22. Up to four (4) speed humps shall be installed on Belvedere Avenue between the Belvedere Avenue access to the site and Sylvane Street, subject to approval by the Department of Transportation.

**9. PUBLIC HEARING: PROPOSED AMENDMENT TO CHAPTER 23A OF THE TUCSON CODE MODIFYING THE PHASE-IN PERIOD FOR ASSESSMENT AND PAYMENT OF IMPACT FEES FOR NONRESIDENTIAL DEVELOPMENT**

- a. Report from City Manager JAN4-06-7 CITY-WIDE
- b. Hearing to consider an ordinance modifying the phasing in period for the assessment and payment of road impact fees and regional park impact fees for nonresidential development. Under the proposed ordinance, imposition of the full impact fees for nonresidential development will begin on July 1, 2006. Pursuant to A.R.S. § 9-463.05(C), the ordinance, if adopted, would not be effective until ninety (90) days after its adoption by the Mayor and Council.
- c. Ordinance No. 10238 relating to development impact fees for roads and parks; amending Ordinance 10095 to amend Section 23A-86(2) of the Tucson Code; changing the phase-in period for assessment and payment of impact fees on nonresidential development; establishing an effective date; and declaring an emergency.

**10. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR A LOW-INCOME UTILITY BILL ASSISTANCE PROGRAM**

- a. Report from City Manager JAN4-06-8 CITY-WIDE AND OUTSIDE CITY
- b. Resolution No. 20262 relating to water; authorizing and approving the execution of a third amendment to an Intergovernmental Agreement with Pima County for a Low-Income Utility Bill Assistance Program; and declaring an emergency.

**11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

- a. Report from City Manager JAN4-06-4 CITY-WIDE

**12. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 10, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.